

REMARKS

Claims 53-55, 57-63, 66-69, and 71-76 were pending and under consideration in the instant application. Claims 53 and 66 have been amended. Support for the amendments can be found in the specification and claims as originally filed. No new matter has been added. Applicants reserve the right to pursue the subject matter of the amended claims in this or a separate application.

Improper Final Rejection

The instant office action has been made final because, according to the Examiner, “Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action.” Applicants respectfully submit that the final rejection is improper because the rejections in the instant office action were not in fact necessitated by Applicants’ amendment.

The first rejection in the instant office action is directed to a perceived redundancy in claims 53 and 66 between the recitations of “both 1) and 3) are truncated...” and “...both 1) and 3) lack a transmembrane domain.”

Prior to Applicants’ amendment in the previous office action, the claims were written in the alternate. They read separately on (i) MHC complexes where either 1) or 3) is truncated and/or lacks a transmembrane domain; or (ii) MHC complexes where both 1) and 3) are truncated and lack a transmembrane domain.

(i) and (ii) are mutually exclusive. Accordingly, removing the limitation of (i), as Applicants did, does not affect the meaning of (ii). The claims that were pending after entry of Applicants amendment contained all of the limitations of (ii), which were present prior to Applicants’ amendment, and were not affected by the amendment. That is, prior to Applicants’ amendment, the claims were already directed to MHC complexes where both 1) and 3) are truncated and lack a transmembrane domain. The 35 U.S.C. § 112, second paragraph rejection of the instant office action therefore could have been made by the Examiner in the previous office action and was not necessitated by Applicants’ amendment.

The second rejection in the instant office action is directed to a perceived redundancy in claims 54 and 67 between the recitation of “wherein the complex is soluble” in those claims and

the requirement in claims 53 and 66 that both the alpha and beta chains lack a transmembrane domain.

Applicants submit that this rejection also could have been made in the previous office action, prior to Applicants' amendment, using the same reasoning as given above for the first rejection. Specifically, prior to Applicants' amendment, the claims were already directed to MHC complexes wherein both the alpha and beta chains lack a transmembrane domain ((ii) above) and wherein the complex is soluble (claims 54 and 67, which were not amended).

In view of the foregoing, Applicants submit that none of the new rejections were necessitated by Applicants' amendment and respectfully request reconsideration and withdrawal of the finality of the instant office action.

Rejection of claims 53-55, 57-63, 66-69, and 71-76 under 35 U.S.C. § 112, second paragraph

Claims 53-55, 57-63, 66-69, and 71-76 have been rejected under 35 U.S.C. § 112, second paragraph because, according to the Examiner, "[c]laims 53 and 66 are each ambiguous in the recitation of 'both 1) and 3) are truncated compared to its respective full length chain.'" The Examiner further states that this recitation is redundant and not further limiting, because "both the alpha and beta chains are necessarily truncated compared to its full length chain."

Applicants respectfully traverse this rejection. However, in the interest of expediting prosecution, and in no way conceding to the validity of the rejection, Applicants have amended claims 53 and 66 to remove the limitation "and the chain of both 1) and 3) are truncated compared to its respective full length chain". Applicants submit that, as amended, the claims are not ambiguous or redundant, and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claims 54 and 67 have also been rejected under 35 U.S.C. § 112, second paragraph because, according to the Examiner, they "are not further limiting in the recitation of 'wherein the complex is soluble,'" because "without a transmembrane domain, the claimed complex is necessarily soluble."

Applicants respectfully traverse this rejection. Independent claims 53 and 66 are written in open language. Accordingly, the MHC complexes of those claims may be soluble or

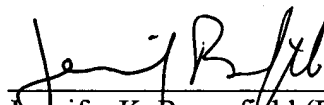
insoluble. The presence or absence of a transmembrane domain is not the only factor which determines whether a particular molecule is soluble. For example, there are other polypeptide sequences and/or chemical groups which could render an MHC complex of the invention insoluble. While soluble complexes are preferred, Applicants do not wish to unnecessarily limit the independent claims as such.

In view of the foregoing, Applicants submit that claims 54 and 67 are not redundant, and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

CONCLUSION

It is believed the application is in condition for immediate allowance, which action is earnestly solicited. If a telephone conversation with Applicants' agent would expedite the prosecution of the above-identified application, the examiner is urged to call the undersigned at (617) 439-4444.

Respectfully submitted,



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